

1 DR. ORLY TAITZ ESO
2 29839 SANTA MARGARITA PKWY, STE 100
3 RANCHO SANTA MARGARITA, CA 92688
4 PH 949-683-5411 FAX 949-766-7603

5 **US DISTRICT COURT**
6 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

7 **LIBERI ET AL,**) CASE NO.: 11-CV-00485
8 **PLAINTIFF,**) Reply to opposition to
9 **VS.**) MOTION-REQUEST TO TERMINATE
10 **TAITZ AT AL,**) PHILIP J. BERG AS AN
11 **DEFENDANT**) ATTORNEY ON THE CASE
12) HON. ANDREW GUILFORD
13) PRESIDING
14) DATE 05.09.2011
15) TIME 10:00
16) COURTROOM 10 D

17 Defendants are hereby replying to opposition to their motion to
18 disqualify attorney Berg, as an attorney of record for the
19 plaintiffs. Defendants assert that Plaintiffs opposition is
20 nothing but dozens of pages of outrageous, unfounded allegations
21 and slander, without any relations to the motion. Pennsylvania
22 Attorney Philip J.Berg (hereinafter Berg) did not provide any
23 legal ground which would allow him to serve as an attorney on
24 this case. Allowing Berg to proceed as an attorney on this case
25 will be aiding and abetting an unlicensed practice of law.

26 **MEMORANDUM OF POINTS AND AUTHORITIES**

27 1. Defendants have filed a one page motion, pointing out to the
28 court the fact that Pennsylvania attorney Philip J. Berg is
2 listed as plaintiff's attorney in this case, however he cannot
3 serve as Plaintiffs' attorney, as he is not licensed as an
4 attorney in California, did not obtain pro hac vice, cannot
5 obtain pro hac vice, as he does not have a local attorney-
6 signatory for pro hac vice and Berg's prior request for pro hac
7 vice, (even with signatory in a prior case), was denied by this
8 court. An order of denial of pro hac vice was attached as an

1 exhibit. Opposition to the motion is supposed to revolve around
2 the motion itself and points raised in the motion. Instead of
3 responding to this one page motion and explaining on what legal
4 ground can Berg possibly proceed as an attorney on this case,
5 Berg provided some 30 pages in total of outrageous unfounded
6 allegations and slander of Defendants' attorney Taitz. Such
7 response is frivolous and made with malice. Taitz denies all of
8 the slanderous allegations. Additionally, opposition did not
9 provide a single law or statute that will provide this court
10 with jurisdiction to allow an unlicensed individual to serve as
11 an attorney on the case. Berg did not refute the fact that;
12 a. he is not licensed in California
13 b. he does not have a California licensed attorney, who is
14 willing to sign a pro hac vice for him
15 c. his pro hac vice application in another case was denied by
16 this court just one month ago
17 d. there is no statute allowing this court to grant one a right
18 to serve as an attorney , while not being licensed and without a
19 local counsel, who would sign a pro hac vice, particularly in
20 light of the fact that Philip Berg is currently in the midst of
21 Disciplinary trial instituted by the Disciplinary Board of the
22 Supreme court of Pennsylvania. The first day of hearing was on
23 April 7, 2011 and the proceedings continue.
24 2. Berg states that he should be allowed to serve as an attorney
25 on this case, even though he is not licensed, does not have a
26 local attorney and is in the midst of disciplinary trial,
27 because he did not have time to find a California attorney. This
28 statement does not hold water, as Berg and Plaintiffs had two

1 years to find a California attorney. This case was improperly
2 filed in federal court and improperly filed in Pennsylvania by
3 the plaintiffs on May 4, 2009. Shortly thereafter presiding
4 judge in this case, Eduardo Robreno issued an order for
5 plaintiffs to show cause, why this case should not be
6 dismissed due to lack of jurisdiction or in alternative
7 transferred out of Pennsylvania, as such the Plaintiffs had two
8 years to find a California attorney. Defendants suspect that
9 Plaintiffs did not find a California licensed attorney, because
10 the case is completely frivolous. A motion to dismiss is being
11 filed shortly.

12 3. Attacks on Defendant's attorney are simply inflammatory,
13 defamatory and without any basis brought to prejudice the court
14 against the defendants.

15 4. Berg dedicates a whole page in his opposition to the issue of
16 the Defendants' attorney signature and claims that the fact that
17 Defendants' attorney Taitz signed /s/Taitz and not with actual
18 signature, it makes her motion invalid. It shows that Mr. Berg
19 does not understand ECF system at all. ECF filing is a
20 requirement in this court. When a local attorney applies for ECF
21 filing privileges, such attorney passes a course and obtains an
22 electronic stamp. Signing /s/Taitz in conjunction with her
23 electronic stamp is sufficient, it represents such an attorney's
24 signature. Apparently Berg never went through ECF filing course
25 and does not have a clue as to how it works. It is a
26 curiosity, that Berg is trying to mimic Taitz and submits his
27 pleading with his clients signing the pleading /s/Lisa Liberi
28 pro se and /s/ Lisa Ostella pro se, which is totally improper.

1 5. Berg's citation of cases, related to denial of otherwise
2 valid pro hac vice, is improper and irrelevant, as Berg did not
3 even qualify to submit a pro hac vice, as he did not obtain a
4 signature of a local counsel and therefore did not even meet
5 minimum necessary requirements for such an application. As
6 stated, in case 10-cv-1573 Taitz provided an order from US
7 District judge Robertson, who did not grant Berg's pro hac vice
8 in a case, where Berg had a local counsel and such local counsel
9 submitted a brief in support of Berg's request for pro hac vice.
10 Similarly in case 10-cv-1573 Berg had a local counsel, yet pro
11 hac vice was denied by this very court.

12 6. Berg is engaged in unlicensed practice of law. In a prior
13 case 10-cv-01573 just last month this court already denied
14 Berg's pro hac vice application. This was done after pleadings
15 were submitted, that show that Berg was repeatedly sanctioned by
16 federal judges and is currently there is a Disciplinary board
17 trial against him. After several motion hearings this court
18 denied Berg's application. There is no permission for Berg to
19 serve as an attorney in this case. In spite of that Berg has
20 submitted his opposition brief on 04. 10.2011 and refers to
21 himself in the caption of the brief as "Attorney in pro se and
22 for Plaintiffs". He clearly knew that he is not licensed, that
23 he was not granted pro hac vice and was denied one just
24 recently, yet in an arrogant fashion he calls himself an
25 "attorney for Plaintiffs", which is a sanctionable unlicensed
26 practice of law, and the defendants are asking this court to
27 finally put an end to this by sanctioning Berg for an unlicensed
28

1 practice of law. Defendants leave it to the court to decide, as
2 what should be a proper amount for such sanction.

3 6. Berg claims that defendants failed to cite any facts to
4 support their request, however Taitz and Berg appeared before
5 this court recently and this court issued its order denying Berg
6 pro hac vice based on multiple documents provided by Taitz.
7 Taitz did not want to burden the court with going through the
8 same documents yet again, as both Berg and the court are
9 familiar with them, but since Berg is claiming that there are no
10 facts to substantiate such request, Taitz provides them yet
11 again:

12 a. Criminal case history for Lisa Liberi- legal assistant to
13 Philip Berg and the lead plaintiff in this case. Liberi is a
14 convicted felon, she has at least 46 criminal charges and at
15 least 10 felony convictions, which include convictions of
16 forgery of documents, forgery of an official seal and grand
17 theft. The fact that an attorney is admittedly using as his
18 legal assistant a document forger with multiple felony
19 convictions of forgery, undermines the case and places in
20 question veracity of any documents submitted by the office of
21 such attorney. exhibit 1

22 b. Defendants submit a prior opposition to pro hac vice
23 application by Berg, which was reviewed by this court, argued by
24 both parties, and which provided ample documentary evidence,
25 justifying termination of Berg as an attorney in this case.

26 Exhibit 2

27

28 Wherefore:

1 1. Defendants respectfully move this court to terminate Philip J
2 Berg as an attorney on this case.
3 2. Deny Berg's pro hac vice application submitted as part of his
4 opposition to motion to terminate, as such pro hac vice
5 application was not signed by a local attorney, and Berg did not
6 show good moral character necessary for granting pro hac vice.
7 2. Sanction Pennsylvania attorney Philip J. Berg for unlicensed
8 practice of law in California, as his current opposition was
9 captioned as "attorney for the Plaintiffs" without any legal
10 grounds to do so.

11
12 Dated this 04.17.2011
/s/ Orly Taitz

13 Dr. Orly Taitz, ESQ
14 Attorney for
15 Defend Our Freedoms
Foundation and
Orly Taitz

16
17 CERTIFICATE OF SERVICE

18 I declare under penalty of perjury that a true and correct copy of the above pleadings
19 was served on 04.17.2011 via ECF on Philip J. Berg, attorney for all the plaintiffs.
20 Other defendants on the case were served electronically on 04.17.2011 at following e-
21 mail addresses:

22 Neil Sankey and Sankey firm at
23 nsankey@sankeyfirm.com
24 /s/ Dr. Orly Taitz, ESq